

REMARKS

In response to the above-identified Office Action, Applicants seek reconsideration thereof. In this response, Applicants do not amend, cancel or add any new claims. Accordingly, claims 1-3, 5-11, 15 and 22-42 are pending.

I. Claims Rejected Under 35 U.S.C. § 103

Claims 1-3, 5-11, 15, and 22-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,381,656 issued to Shankman (hereinafter "Shankman") in view of U.S. Patent No. 6,134,619 issued to Futral, et al (hereinafter "Futral"). Applicants respectfully disagree for the following reasons.

In order to establish a *prima facie* case of obviousness, the Examiner must show that the cited references combined teach or suggest each of the elements of the claims. In regard to Shankman, the Applicants submitted in their Response to Office Action dated May 5, 2003 a Declaration signed by Susan C. Bobholz under 37 C.F.R. § 1.131 stating that the Applicants conceived of the present invention prior to the filing date of Shankman and diligently pursued reducing the inventions to practice up until the time of filing the present application. In the Final Office Action, the Examiner states that the Examiner could not find any document entitled, "Intel Invention Disclosure Form" attached to Applicants' May 5th Response. Applicants have attached the missing document as an appendix. Thus, in view of the declaration, Applicants believe that Shankman does not constitute prior art against the present application.

The Examiner relies on Shankman as a primary reference in the obviousness rejection of claims 1-3, 5-11, 15 and 22-42. The Examiner relies on Futral only to teach "translating the message request into perimeters that are accessible by the RTOS." See page 3 of Paper No. 13. Thus, the Examiner has not indicated any part of Futral that teaches or suggests each of the elements of claims 1-3, 5-11, 15, and 22-42. Therefore, the Examiner has not established a *prima facie* case of obviousness for these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 1-3, 5-11, 15 and 22-42 are requested.

II. Required Documents

The Examiner requires Applicants to submit the document entitled, "Intel Invention Disclosure Form" in reply to the Final Office Action. Applicants include the "Intel Invention Disclosure Form" document as an appendix to this response.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-3, 5-11, 15 and 22-42 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: 8/8/03

By 

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on 8/8/03.

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8/8/03
Date